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November 20, 2020

Via Electronic Mail
(Hurwit.Nicholas@epa.gov)

Mr. Nicholas Hurwit
U.S. Environmental Protection Agency – Region 10
Enforcement and Compliance Assurance Division
1200 Sixth Avenue, Suite 155
Seattle, WA. 98101-3188

Re: Northwest ICE Processing Center
Response to U.S. Environmental Protection Agency's Records Request

Dear Mr. Hurwit:

This correspondence serves as the response of the Northwest ICE Processing Center ("NWIPC"), to the above-referenced records request. Please note that NWIPC reserves the right to change or modify this response or any assertion of fact contained in this letter based upon its continuing investigation of the allegations raised in your inspection and your records request. Similarly, NWIPC reserves the right to supplement its response with any additional documents, objections, facts, defenses, and authorities that may come to our attention in the future.

Request No. 1: All labels of disinfectants and other pesticides being used on-site, including supplemental labels and diluted product labels.

RESPONSE: See NWIPC 0001-0013 for disinfectants GS Neutral and Sani-T-10 Plus.

Request No. 2: Photos of the disinfectants being applied at the facility. Please show all sides of the container and capture clear photos of the entire label.

RESPONSE: See NWIPC 0001-0013.

Request No. 3: Disinfectant dilution mixing records for all disinfectants used at the facility since May 1, 2020, including who fills and mixes any disinfectant dispensing service containers onsite.

RESPONSE: See NWIPC 0422-0424. NWIPC has one automatic mixing dispenser, supplied by Spartan Chemical, Inc., in each housing unit pod's janitor's closet (which remains locked), for a total of 39 dispensers in the unit pods. There is one dispenser located in the Kitchen, Laundry,

Med-Iso, and Gray Mile janitor closets, for an additional 4 dispensers. There are 3 more dispensers on the non-secure side of the facility (*e.g.*, Administration, Maintenance, etc.), for a total of 46 Spartan automatic mixing dispensers.

Each dispenser has a one gallon container of GS Neutral hooked up to the Spartan automatic dispensing machine. The container is located in a locked compartment in the dispenser, so that detainees cannot access the concentrate. An additional one-gallon container of GS Neutral is kept in a locked cage inside each housing unit pod. There are no extra containers of GS Neutral kept in the janitor's closets in the non-secure areas of the facility.

Sani-T-10 is only accessible in the Pods in a diluted form inside spray bottles. The Kitchen has the only dispenser in the facility for Sani-T-10. One five-gallon bucket of Sani-T-10 concentrate is hooked to the dispenser and kept behind a locked door. Another five-gallon bucket is kept as a backup and it is secured in a locked storage closet that is only accessible by the Kitchen Officer.

NWIPC utilizes Spartan-supplied, automated dispensers for both products. The manufacturer prepares the dilution rate by use of metering tips and taking in to account other variables such as water pressure, etc. Facility personnel do not perform any mixing or dilution activities. The only activities performed by facility personnel are to insert an empty spray bottle/container, to press a button to begin the dispensing process, and to replace empty concentrate containers with full containers as needed. Detainees are not involved in replacing concentrate containers and they are not allowed any access to concentrated disinfectants.

Request No. 4: Disinfectant application records from May 1, 2020 to the present, and description of specifically where, how, and by whom disinfectants are being applied within the facility.

RESPONSE: NWIPC objects to Request No. 4 on the grounds that it is overbroad and unduly burdensome. NWIPC completes Sanitation Unit Reports daily for each unit in the facility. Subject to and without waiving these objections, NWIPC hereby produces a representative sample of 10 Sanitation Unit Reports for each month since May 1, 2020. *See* NWIPC 0425-0508.

Request No. 5: Records showing the purchase of the disinfectants from May 1, 2020, to the present.

RESPONSE: *See* NWIPC 0014-0021.

Request No. 6: List of personal protective equipment (PPE) provided to detainees with accompanying photos of the PPE.

RESPONSE: NWIPC provides gloves and masks directly to detainees. Eye protection is available in the janitors' closets, by the dispensing machines for use by employees and detainees. *See* NWIPC 0022-0027, NWIPC 0509.

Request No. 7: Records showing the frequency with which new, unused PPE is provided to detainees.

RESPONSE: *See* NWIPC 0022-0027.

Request No. 8: Records showing that detainees were provided training on how to properly apply any disinfectants being applied at the facility, as applicable, including that they were provided training on what PPE is required and how to properly use that PPE.

RESPONSE: *See* NWIPC 0028-0415. Please note that the documents have been redacted to remove any references to detainees' names, for privacy, confidentiality, and security concerns. The documents continue to reflect detainees' identification numbers.

Request No. 9: Medical records of detainees who were evaluated by a doctor after complaining of illness due to exposure to disinfectants. Please provide records for the incidents that have occurred since May 1, 2020.

RESPONSE: NWIPC objects to the production of medical records on the grounds that medical records are subject to federal HIPAA and State privacy protections. Further, the alleged confidentiality of such documents may not be preserved by the Privacy Act of 1974 (5 U.S.C. §552a), since the Privacy Act applies only to U.S. citizens or lawful permanent resident aliens. Subject to and without waiving these objections, NWIPC states that it does not provide medical services to detainees and has no medical records.

Request No. 10: Copy of the policy describing how staff or management should respond when detainees become ill.

RESPONSE: *See* NWIPC 0510-0549.

Request No. 11: Map or diagram showing the layout of the facility.

RESPONSE: NWIPC objects to Request No. 11 on the grounds that it seeks confidential, proprietary, and highly-security-sensitive information. Subject to and without waiving these objections, NWIPC's attorney is discussing with EPA's attorney a proposed solution to provide information concerning the layout of the facility.

Request No. 12: Contact information for Spartan Chemical Company representatives that provide service to the facility.

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RESPONSE: NWIPC provides the following information, which is responsive to Request No. 12: Chad Nelson, Walter E. Nelson Co., (360.340.8181); Tim Groves, Regional Manager, Spartan Chemical Company, Inc., (800.537.8990)]; Tarren Wethington, West Coast Divisional Manager; Spartan Chemical Company, Inc., (800.537.8990).


Request No. 13: Copy of the most recent contract with Spartan Chemical Company.

RESPONSE: NWIPC objects to Request No. 13 on the grounds that it seeks proprietary information that is irrelevant to the issues in this inspection. Subject to and without waiving this objection, the facility hereby produces a redacted copy of the requested agreement, other than pricing information contained in Appendix A. *See* NWIPC 0416-0421.

We trust that this information will allow you to conclude that the complaint allegations are meritless and should be dismissed.

If you have any questions on the above information, please do not hesitate to let me know.

Sincerely,



J. Wilson Eaton III

JWE/ma
Enclosures